

Bill No. 03-37
As Amended

**COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND**

Bill No. 03-37aa

Introduced by: Council Members Cassilly, Slutzky, and Stepp

Legislative Day No. 03-21 Date: August 5, 2003

AN EMERGENCY ACT to repeal and reenact, with amendments, subsection A, Annual growth report of Section 267-104, Adequate public facilities, and to repeal and reenact, with amendments, Subsection B(1)(a), Schools, of Section 267-104, Adequate public facilities, all of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267 Zoning, of the Harford County Code, as amended; to provide for the type of information to be contained within the growth report; to provide for adequacy standards for schools; and generally relating to adequate public facilities.

By the Council, August 5, 2003

Introduced, read first time, ordered posted and public hearing scheduled

on: September 2, 2003

at: 6:15 p.m.

By order: Barbara J. Ruth, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on September 2, 2003, and concluded on September 2, 2003

Barbara J. Ruth
Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

Bill No. 03-37
As Amended

Bill No. 03-37

As Amended

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland, That
2 Subsection A, Annual growth report, of Section 267-104, Adequate public facilities, and
3 Subsection B(1)(a), Schools, of Section 267-104, Adequate public facilities, all of Article
4 XXI, Public Facilities, of Chapter 267, Zoning, be, and they are hereby, repealed and
5 reenacted, with amendments, of the Harford County Code, as amended, to read as
6 follows:

7 Chapter 267. Zoning.

8 Article XXI. Public Facilities.

9 Section 267-104. Adequate public facilities.

10 A. Annual growth report.

11 (1) The Department of Planning and Zoning shall prepare an annual growth
12 report describing growth and facility capacity in accordance with
13 Paragraphs (2) and (3) of this subsection. The annual growth report shall
14 be submitted by the Director of Planning to the County Council by June 1
15 and shall become effective July 1.

16 (2) Growth trends -- The annual growth report shall describe the growth that
17 has occurred in the preceding year. The information in the report shall be
18 aggregated by the appropriate facility service areas, and the report shall
19 include, but need not be limited to, the following information:

20 (a) Number of building permits approved for new dwelling units, by
21 type;

22 (b) NUMBER OF RESIDENTIAL UNITS FOR WHICH
23 PRELIMINARY PLAN APPROVAL HAS BEEN ISSUED BUT

Bill No. 03-37
As Amended

FOR WHICH BUILDING PERMITS HAVE NOT YET BEEN
ISSUED;

[(b)](c)The number of building permits approved for nonresidential uses,
by type and total floor area;

[(c)](d)Estimated population, households, and employment;

[(d)](e)Comparisons with the same information for the previous five
years;

[(e)](f) Comparison with the same information for the Baltimore region
and other political subdivisions; and

[(f)](g) Population, household, and employment projections for 5- and 10-
year periods.

(3) Specific facility analysis -- The annual report shall include an analysis of
the current and future utilization and capacity of specific public facilities
and services. The analysis shall include, but need not be limited to the
following information:

(a) Schools.

(1) Full-time enrollment for each school district; as of
September 30, or as of any other official reporting date as
set by the State Board of Education OR THE COUNTY
BOARD OF EDUCATION.

(2) Rated capacity and utilization percentage of each school
facility, with capacity based on a standard of 25 students
per classroom for regular classes and 10 students per

Bill No. 03-37
As Amended

classroom for special education classes, exclusive of
relocatable or portable classrooms.

(3) One-year, 2-year, [and] 3-year, 4-YEAR AND 5-YEAR
enrollment projections for each facility, including a
description of the method of projecting enrollment in each
facility;

(4) Pupil yield factor by school level for each type of dwelling
unit;

(5) List of approved capital projects for new or expanded
school facilities and the identified schools that will be
relieved, including projected enrollment and opening date;
[and]

(6) School districts map for each level of school [facilities.]
FACILITIES; AND

~~(7) MODIFIED ENROLLMENT PROJECTIONS TO
INCLUDE POTENTIAL INCREASE IN RESIDENTIAL
DEVELOPMENT BY SCHOOL DISTRICT.~~

(7) MODIFIED ENROLLMENT PROJECTIONS FOR EACH
DISTRICT WHICH INCLUDE PLANNED UNITS
REMANING (RECORDED LOTS AND UNITS
PROJECTED FROM APPROVED PRELIMINARY
PLANS) AND PROJECTED UNITS FROM VACANT
LAND ZONED FOR RESIDENTIAL PURPOSES.

1 (b) Sewerage.

- 2 (1) Sewage generation (in gallons per day) for each type of
3 dwelling unit and commercial/industrial use (average);
4 (2) Inventory/tabulation of existing flows, including all
5 allocations to the system, and the total system capacity;
6 (3) Sewage generation projections for the system, including the
7 basis for their computation; and
8 (4) A list of capital projects, contained in the capital
9 improvements program, for expanded sewerage facilities,
10 including project status.

11 (c) Water.

- 12 (1) Water usage (in gallons per day) for each type of dwelling
13 unit and commercial and industrial use (average);
14 (2) Inventory/tabulation of existing water consumption,
15 including all allocations to the system, and the total system
16 capacity;
17 (3) Water usage/demand projections for the system, including
18 the basis for their computation; and
19 (4) A list of capital projects, contained in the capital
20 improvements program, for expanded water facilities,
21 including project status.

22 (d) Roads.

1 (1) List of approved transportation capital projects outlined in
2 the Harford County Capital Improvement Program and the
3 State Consolidated Transportation Program;

4 (2) List of the existing Level of Service (LOS) at major
5 intersections in the county as contained in the annual
6 growth report; and

7 (3) List of the existing average daily traffic (ADT) on major
8 roadways in the county as contained in Annual Growth
9 Report.

10 (4) Amendments -- The Director of Planning may amend the annual growth
11 report to correct factual errors or to include significant changes in facility
12 capacity. Such amendments shall be presented to the County Council
13 within 210 calendar days of the effective date of the report.

14 B. Adequacy standards (minimum acceptable level of service).

15 ~~(1) — SCHOOL CAPACITIES SHALL BE TESTED DECEMBER 1 AND~~
16 ~~JUNE 1 OF EACH YEAR.~~

17 (1) TESTING FOR ADEQUATE SCHOOL CAPACITIES AS PROVIDED
18 UNDER SUBSECTIONS (2)(a)(1)(a) AND (b) SHALL OCCUR ON
19 DECEMBER 1 AND JUNE 1 OF EACH YEAR. IF SUCH TESTING
20 REVEALS THAT THE ENROLLMENT AT ANY SCHOOL EXCEEDS THE
21 RATED CAPACITY AS PROVIDED UNDER (2)(a)(1)(a) OR (b) THE
22 ANNUAL GROWTH REPORT SHALL BE AMENDED TO REFLECT THESE

Bill No. 03-37
As Amended

CHANGES AND THE AMENDMENTS SHALL BE PRESENTED TO THE
COUNTY COUNCIL.

[(1)](2) Residential development. Approval of residential subdivision plans and site plans for multi-family development shall be subject to findings of adequate capacity based on the standards set in this subsection, and the current and projected use level described in the annual growth report:

(a) Schools

(1) Preliminary approval. Preliminary subdivision plans exceeding five lots and site plans for multi-family residential developments exceeding five dwelling units shall not be approved at locations where either of the following conditions exists:

(a) The enrollment at the elementary school which serves the site is greater than [120%] 115% of the rated capacity, or is projected to be greater than [120%] 115% within [two years] 5 years; or

(b) The enrollment of either the middle school or high school which serves the site is greater than [120%] 115% of the rated capacity or is projected to be greater than [120%] 115% within [three] 5 years.

(2) Conditional review. If Paragraphs [(1)] (2)(a)(1)(a) or (b) of this subsection prevent approval of a preliminary subdivision

Bill No. 03-37
As Amended

1 plan or a site plan, the Department of Planning and Zoning may
2 proceed with conditional review of the plan and place it on a
3 waiting list arranged by date of completion of the review. Record
4 plats, grading permits, and public works agreements for utilities or
5 roads shall not be executed by the county until the plan for the
6 project is removed from the waiting list and preliminary approval
7 is granted. Removal from the waiting list shall occur only when the
8 condition that prevented approval under Paragraphs [(1)] (2) (a)
9 (1) (a) or (b) of this subsection no longer exists.

10 (3) Exemptions. The provisions of this subsection shall not
11 apply to transient housing, housing for the elderly and
12 continuing care retirement communities.

13 (4) Grandfathering. The provisions of this section concerning
14 the adequacy of schools shall not apply to those
15 developments which, as of the effective date of Bill No. 91-
16 70 (4/6/92), have an approved preliminary plan.

17 Section 2. And Be It Further Enacted, That this Act is declared to be an emergency act
18 necessary to protect the safety and welfare of the children attending overcrowded schools
19 that where enrollment levels exceed the capacity of the schools and to ensure that a
20 quality education is received by all Harford County students and this Act shall take effect
21 on the date it becomes law.

22 EFFECTIVE: October 10, 2003

Bill No. 03-37
As Amended

*The Council Administrator of the Council does hereby certify that
fifteen (15) copies of this Bill are immediately available for distribution
to the public and the press.*



Council Administrator

**BILL NO. 03-37
As Amended**

HARFORD COUNTY BILL NO. 03-37 aa

Brief Title Adequate Public Facilities – Growth Report & Schools

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. Ruth
Council Administrator

Date October 7, 2003

ENROLLED

Robert S. Wagner
Council President

Date October 7, 2003

BY THE COUNCIL

Read the third time.

Passed: LSD 03-25

Failed of Passage: _____

By Order

Barbara J. Ruth
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of October, 2003 at 3:00 p.m.

Barbara J. Ruth
Council Administrator

BY THE EXECUTIVE

James M. Hawkins
COUNTY EXECUTIVE

APPROVED: Date 10-10-03



BY THE COUNCIL

This Bill No. 03-37 As Amended, having been approved by the Executive and returned to the Council, becomes law on October 10, 2003.

EFFECTIVE: October 10, 2003

Barbara J. Ruth
Barbara J. Ruth
Council Administrator

**BILL NO. 03-37
As Amended**